IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

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**WRIT PETITION NO : 17924 of 2005**

Between:

A. Sukhavenamma, W/o. kodandarami Reddy,
R/o. Kanamanambedu Village, B.N. Kandriga Mandal, Chittoor District.

..... PETITIONER

**AND**

1 The Joint Collector, Chittoor.
2 The Revenue Divisional Officer, Tirupati Chittoor District.
3 The Mandal Revenue Officer, B.N. Kandriga,
Chittoor District.

.....RESPONDENTS

**ORDER:**

This writ petition is filed seeking writ of Mandamus declaring the action of the respondents 2 and 3 in trying to dispossess the petitioner from Ac.3.36 cents of dry land i.e. Ac.0.32 cents and Ac.304 cents comprised in Survey Nos. 143-1 and 143-6 respectively situated in Kanamanambedu village, B.N.Kandriga Mandal, Chittoor District as illegal, and arbitrary and consequently direct the respondents not to evict the petitioner without following the due process of law.

The petitioner submits that one Narsimbattu Jayamma w/o Venkata Subba Reddy, was assigned land to an extent of Ac.3.36 cents in Kanmanambedu village on 28.10.1969. As she was issueless, adopted the petitioner as her daughter, and the said N.Jayamma died in the year 1992. Since then the was in possession and enjoyment of the land which was assigned to the said Jayamma. During her lifetime the said Jayamma executed a will dated 16.5.1990 bequeathing the said land in favour of the petitioner. After the death of Narsimbattu Jayamma, the petitioner made an application to the third respondent requesting to issue pattadar passbook and title in respect of the said land in her favour and the reveue authorities issued pattadar pass book and title deed to the petitioner on 21.4.1999, after conducting due enquiry. In the mean while respondents 2 and 3 without issuing any notice or following due process of law trying to evict the petitioner from the land in question to alienate the same to the third parties. Therefore, the petitioner filed this writ petition.

Heard both counsel on either side.

On perusal of record, it came to light that one N.Jayamma who is alleged to be the adopted mother of the petitioner was assigned the land in question and later on the revenue authorities issued pattadar pass book and title in favour of the petitioner, recognizing that the petitioner was the occupier and possessor of the said land in question.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the stage of admission directing the respondents not to

interfere with the possession and enjoyment of the petitioner over the land in question, without any due process of law.

Accordingly, the writ petition is disposed of with the above direction. No costs.

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12-08-2005

Note: cc tomrrow

B/o kvrm